IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1026 (M/B) of 2003

Diwakar Dutt Bahuguna S/o Sri Narayan Dutt Bahuguna, R/o Village Takoli Chalshashu, P.O. Nawakhal, Pauri Garhwal, District Pauri Garhwal and four others

....**Petitioners**

Vs

State of Uttaranchal through Secretary Education, Dehradun and three others

....Respondents

Sri I.P. Gairola, Advocate for the petitioners
Sri K.P. Upadhaya learned standing counsel for the State of Uttaranchal.
Ms. Beena Pandey, learned standing counsel for State of U.P.

Dated: - August 7, 2006

Coram: Hon'ble P.C.Verma,J.
Hon'ble B.S. Verma,J.

By means of this writ petition, the petitioners have prayed for writ of certiorari quashing the para No.4 of the impugned G.O. dated 20.12.2001 (Annexure No.4) issued by the State of Uttaranchal.

By this government order, the pay scales of High School teachers and Intermediate teachers have been revised on the basis of recommendations of Vth Pay Commission. In the said government order, it has specifically been mentioned that benefit will be available to only those teachers who were working on 1.7.2001 and their pay fixation has been made w.e.f. 1.1.1996. The State of U.P. has implemented the said government order dated 3.9.2001 providing that the benefit of the Vth pay Commission is only available to those employees who were working on 1.7.2001 and their options were accepted w.e.f. 1.1.1996, as the Pay Fixation Committee, Uttar Pradesh 1998 recommended for the revised pay scales w.e.f. 1.1.1996.

The petitioners have not given the date of their retirement and only a vague assertion has been made in Para-1 of the writ petition that the petitioners were

retired after 1.1.1996 and before 1.7.2001. Since, the petitioners were not in service on 1.7.2001, therefore, they were not entitled to the benefit of government order dated 20.12.2001. The petitioners have challenged the government order on the ground that it is arbitrary in as much as it has excluded teachers who have retired after 1.1.1996 and before 1.7.2001.

No foundation has been laid in the writ petition that whether the petitioner had exercise their option in compliance of government order dated 10.7.1988 by which the recommendations of the revised pay committee was accepted and revised pay scales were paid to them. Had the petitioners been optee and getting the benefit of this government order, their case could be on a different footing and probably they could have any grievance. It appears that the petitioners did not opt for the revised pay scale which was revised by government order dated 10.7.1988 and now they are seeking the benefit of government order dated 20.12.2001.

Thus, it is a clear-cut case of just classification as by the government order dated 20.12.2001, revised pay scale has been given to the larger class of the teachers who were working on 1.7.2001 in the State of Uttaranchal as well in the State of Uttar Pradesh as the same government order is also there.

Therefore, we do not find any force in the writ petition. The writ petition is devoid of merit and is hereby dismissed. No order as to costs.

(B.S. Verma, J.) **(P.C. Verma, J.)**

Rajeev Dang